

# SENATE . . . . . No. 46

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## The Commonwealth of Massachusetts

PRESENTED BY:

**Brian A. Joyce**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act creating a special commission on behavior modification.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Brian A. Joyce	Norfolk, Bristol and Plymouth
John W. Scibak	2nd Hampshire
Ellen Story	3rd Hampshire
Tom Sannicandro	7th Middlesex
Robert L. Rice, Jr.	2nd Worcester
Matthew C. Patrick	3rd Barnstable
Denise Provost	27th Middlesex
Bill Bowles	2nd Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S01122 OF 2007-2008.]

## **The Commonwealth of Massachusetts**

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**In the Year Two Thousand and Nine**

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### **AN ACT CREATING A SPECIAL COMMISSION ON BEHAVIOR MODIFICATION.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. There shall be a special commission to investigate and make legislative  
2     recommendations on the adequacy and effectiveness of laws and regulations governing the use of  
3     behavior modification techniques, including aversive procedures and the principles of applied behavior  
4     analysis across all public or private agencies in the commonwealth receiving public funding or subsidy  
5     through the commonwealth, any of its political subdivisions, or another state or political subdivision,  
6     thereof.

7           SECTION 2. The investigation shall include, but not be limited to, the scope of techniques  
8     permissible under current statutes and regulations, the existent classification system of behavioral  
9     interventions, the format and content of behavioral plans, the policies and procedures governing the  
10    development, review, approval, implementation and monitoring of aversive interventions, and the  
11    adequacy of procedural safeguards to ensure the health, safety, privacy, dignity and human rights of  
12    individuals with behavior plans in place.

13           SECTION 3. The commission shall also review and evaluate the status and appropriateness of a  
14 sample of current behavioral plans within state agencies as well as contracted providers.

15           SECTION 4. The commission shall develop and recommend a unified set of standards regarding  
16 the use of behavior modification procedures in all agencies and programs licensed, funded and/or  
17 regulated by the Commonwealth. These standards shall include, the minimum qualifications for staff who  
18 are involved in the development and direct implementation of aversive procedures and the review and  
19 monitoring requirements for such interventions.

20           SECTION 5. The commission shall consist of the Governor or designee, the Senate President or  
21 designee, the Speaker of the House or designee, the Senate and House Chairs of the Joint Committee on  
22 Children and Families, the Chief Justice of the Probate and Family Court or designee, the Commissioner  
23 of the Department of Developmental Services or designee, the Commissioner of the Department of  
24 Mental Health or designee, the Commissioner of the Department of Early Education and Care or  
25 designee, the Commissioner of the Department of Elementary and Secondary Education or designee, the  
26 Commissioner of the Department of Children and Families or designee, the Commissioner of the  
27 Department of Youth Services or designee, the Executive Director of the Disabled Persons Protection  
28 Commission, or designee, the Chairman of the Governor's Commission on Mental Retardation or  
29 designee, the Executive Director of the Massachusetts Psychological Association or designee, and a  
30 Licensed Applied Behavior Analyst or Certified Behavior Analyst to be appointed by the governor. The  
31 governor will also appoint Commission at least one disability advocate and one service provider whose  
32 agency conducts behavioral intervention programming.

33           SECTION 6. The commission may hold public hearings and site visits to assist in the collection  
34 and evaluation of data and testimony from providers, family members, and the general public.

35           SECTION 7. The special commission shall be appointed no later July 1, 2009 and shall file a  
36   report of the results of its investigation and recommendations with the clerks of the senate and house of  
37   representatives on or before January 1, 2010.